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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,160	04/09/2001	Salman Akram	3846.2US(98-0796.2)	8501

24247 7590 08/22/2003

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EXAMINER

GRAYBILL, DAVID E

ART UNIT PAPER NUMBER

2827

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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8193

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached Office action.

David E Graybill
Primary Examiner
Art Unit: 2827

Art Unit: 2827

The response filed on 2-3-3 is nonresponsive because it fails to conform to the provisions of MPEP 714.03:

Where a bona fide response to an examiner's action is filed before the expiration of a permissible period, but through an apparent oversight or inadvertence some point necessary to a complete response has been omitted - such as an amendment or argument as to one or two of several claims involved or signature to the amendment - the examiner, as soon as he or she notes the omission, should require the applicant to complete his or her response within a specified time limit (usually one month) if the period for response has already expired or insufficient time is left to take action before the expiration of the period. If this is done the application should not be held abandoned even though the prescribed period has expired.

Specifically, applicant has not elected a single disclosed species from the species wherein said introducing comprises chemical vapor depositing or physical vapor depositing and placing a preformed conductive structure.

To further clarify, applicant has proposed to elect, "the first species of the second group; i.e., depositing conductive material into the at least one aperture." However, this is not a species.

Also, in the previous restriction requirement the identification of "The species wherein said introducing comprises chemical vapor depositing or physical vapor depositing and placing a preformed conductive structure," was incorrect.

Therefore, the entire restriction requirement is revised and restated infra.

This application contains claims directed to the following patentably distinct species of the claimed invention: The

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species wherein said defining is effected before, simultaneously and after said positioning.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein said defining is effected before, simultaneously and after said positioning for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to the species wherein said defining is effected before, simultaneously and after said positioning.

This application contains claims directed to the following patentably distinct species of the claimed invention: The species wherein said introducing comprises chemical vapor depositing, physical vapor depositing and placing a preformed conductive structure.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein said introducing comprises chemical vapor depositing, physical vapor depositing and placing a preformed conductive structure for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic to the species wherein said introducing comprises

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chemical vapor depositing, physical vapor depositing and placing a preformed conductive structure.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or

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admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any telephone inquiry of a general nature or relating to the status (MPEP 203.08) of this application or proceeding should be directed to Group 2800 Customer Service whose telephone number is 703-308-1782306-3329.

Any telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (703) 308-2947. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.

The fax phone number for group 2800 is 703/308-7722.



David E. Graybill
Primary Examiner
Art Unit 2827

D.G.
19-Aug-03